THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 13164 of 2007

Date:25-06-2007

Between:

KNM Petroleums, Indian Oil Retail Dealers rep. By its Proprietor, K.Narasimha Murthy **.. PETITIONER**

AND

The Indian Oil Corporation Ltd. Rep. By its General Manager and another.

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the impugned notice of the second respondent vide No.SDO/R/396, dated 07.05.2007, as illegal and arbitrary.

It is stated that the petitioner is a physically handicapped person having passed 10th class and due to the financial constraints, he could not prosecute his further studies. It is stated that pursuant to the advertisement, dated 19.12.2003 by the respondents inviting applications for award of retail outlet dealership of petroleum products at Yerraguntlapalli of Anantapur District, the petitioner having requisite qualification was interviewed on 11.09.2004 and a selection letter, dated 20.10.2004 was also issued to the petitioner with certain conditions. It is stated that accordingly the petitioner complied with all the conditions and obtained no due certificate, dated 09.08.2005 from the competent authority. It is stated that the date of birth of the petitioner is 01.05.1954 and he has completed S.S.C. examination in the year 1972 bearing registration No.73872. It is stated that due to misplacement of originals, which were traced subsequently, the petitioner produced them before the selection committee on 20.01.2004.

Therefore, the petitioner was appointed as retail dealer by appointment order, dated 02.09.2005 and accordingly he has commenced the retail outlet dealership in September, 2005 itself pursuant to the licence obtained by him which is valid up to 31.12.2007. While so, a show cause notice, dated 07.05.2007 was issued invoking Condition No.45 of the agreement and alleged that the application submitted by the petitioner for allotment of retail outlet dealership was incomplete and the petitioner has not submitted proof

of age and proof of educational qualifications and that the medical certificate submitted by the petitioner along with the application to consider him under physically handicapped category was not a valid one and the same was not issued by the competent authority and the petitioner has failed to achieve the tied up volume furnished by the petitioner along his application. It is stated that insofar as the objections 1 and 2 are concerned, the same have already been complied with and insofar as the third objection is concerned, the same will not come within the violation of Clause 45 of the agreement, but it comes under Clause 10 of the agreement. It is stated that the said show cause notice has been issued with an ulterior motive with a view to cancel the dealership agreement of the petitioner. It is stated that, in fact, the application of the petitioner was incomplete and once he was selected and appointed and after issuing the licence, the respondents cannot cancel the dealership of the petitioner. However, the petitioner submitted his explanation on 23.05.2007.

In view of the above, as the explanation of the petitioner has already been filed on 23.05.2005, the writ petition is disposed of directing the second respondent to consider and dispose of the same by giving reasonable opportunity to the petitioner and by passing a reasoned order. No costs.

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V.ESWARAIAH, J.

Date:25.06.2007

Note:
Furnish C.C. within a week.
B/o
ccm